उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

मामला क्रमांक M.A(C) No 1058/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL (CLAIM) NO.1058/2007

APPELLANTS

1. Smt.Jhul Bai, Wd/o late Itwari Ram, aged about 30 years, caste Satnami.
2. Puran Lal, s/o late Itwari Ram, aged about 9 years, caste Satnami – being minor represented through mother Smt. Jhul Bai, village Janjgira, Post Madi, P.S. Kharora, Distt. Raipur (C.G).

Versus

RESPONDENTS

1. Chain Singh, s/o Jaisingh Chaturvedi, r/o village Janjgira, Post : Madi, P.S. Kharora, Distt. Raipur (C.G)
2. The New India Assurance Co. Ltd., through Branch Manager, Branch No.2, Raipur, Vikas Pradhikaran Building Bajrang Market, Raipur, Distt. Raipur (C.G)

D.B: HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

ORAL ORDER
(18.09.2007)

L.C.Bhadoo, J,

Shri C.R. Sahu, counsel for the appellants.

The appeal is barred by 73 days' limitation. It is heard on admission as well as on limitation.

The claimants who are wife and son of late Itwari Ram, have preferred this appeal u/s 30 of the Workmen Compensation Act, 1923 being aggrieved by the award dated 20th of April 2007 passed by the

XI-HC—78

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Commissioner for Workmen Compensation, Labour Court, Raipur, in Case No. 1/B/140/WC Act/2005 whereby the learned commissioner after assessing the income of the deceased as Rs.3800/- per month and in view of the provisions of section 4(1)(a) of the said Act the compensation amount has been calculated as 50% to the tune of Rs.1900/-. Further after determining 31 years' age of the deceased by applying the relevant factor 205.95 reached to the conclusion that the claimants are entitled for the compensation to the tune of Rs.3,91,305/-.

Having heard counsel for the appellants, we have perused the award and we are of the considered opinion that the learned commissioner has passed the award in accordance with the relevant provisions of law and there is no illegality or infirmity in the impugned award. Moreover, as per the provisions of section 30 of the Workmen Compensation Act, 1923, an appeal is maintainable on the substantial question of law and the counsel for the appellant has not been able to raise any substantial question of law in this appeal. More over, no reasonable case has been shown for condononation of delay in filing of this appeal.

Therefore, the appeal being devoid of merit, the same is liable to be and is hereby dismissed on merits as well as on limitation, at the motion stage itself.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge